

United States District Court

EASTERN DISTRICT OF OKLAHOMA

**In the Matter of the Search of the premises
located at 382117 E 1120 Road, Weleetka,
Oklahoma and 382103 E 1120 Road, Weleetka,
Oklahoma**

Case No. 20-MJ-141-KEW

APPLICATION FOR SEARCH WARRANT

I, Timothy P. Bennett, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the EASTERN District of OKLAHOMA (identify the person or describe property to be searched and give its location):

SEE ATTACHMENT "A"

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

SEE ATTACHMENT "B"

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of Title 18, United States Code, Section(s) 1111, 1152, and 1153, and the application is based on these facts:

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date: 9/16/2020

City and state: Muskogee, Oklahoma


TIMOTHY P. BENNETT
SPECIAL AGENT, FBI



Judge's signature
KIMBERLY E. WEST
UNITED STATES MAGISTRATE JUDGE
Printed name and title



**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SEARCH WARRANT**

I, Timothy P. Bennett, hereinafter referred to as "Affiant," being duly sworn, depose and state as follows:

INTRODUCTION

1. Affiant is a Special Agent (SA) of the Federal Bureau of Investigation (FBI). Affiant is an investigative officer, or law enforcement officer, of the United States of America within the meaning of Title 18, United States Code, Section 2510(7), that is an officer of the United States who is empowered by law to conduct investigation of, and make arrests for, offenses enumerated in Title 18.

2. In the course of Affiant's duties as special agent, Affiant is authorized to conduct, and has conducted, investigations of violent crimes in Indian Country in violation of Title 18, United States Code, Sections 1111, 1151, and 1153. Affiant has investigated crimes against the National Security of the United States of America, which include investigating counterintelligence, international terrorism, and domestic terrorism. Affiant is currently serving on a temporary basis in FBI Oklahoma City Division, Muskogee Resident Agency, working Indian Country criminal investigations in the Eastern District of Oklahoma.

3. This affidavit is made in support of an application for a warrant to search property adjacent to a residence previously occupied by **TOMMY RYAN GOUGE** which is described in **Attachment A** for items described in **Attachment B**. The items described in **Attachment B** constitute evidence of violations of Title 18, United States Code, Sections 1111(a), 1151, and 1153, Murder in Indian Country.

4. The statements contained in this affidavit are based in part on: information provided by FBI Special Agents and Task Force Officers; written reports about this investigation I have

received; information gathered from the service of administrative subpoenas; investigation and analysis by FBI agents/analysts and forensic professionals; and my experience, training and background as a Special Agent with the FBI. Because this affidavit is being submitted for the limited purpose of securing authorization for the requested search warrant, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts I believe are necessary to establish that evidence of a crime in violation of 18 U.S.C. §§ 1111(a), 1151, and 1153, Murder in Indian Country, are presently located on property adjacent to a property previously occupied by **TOMMY RYAN GOUGE**.

PROBABLE CAUSE

5. On February 14, 2020, Stephanie Michelle Gouge, a 33-year-old white female, and the spouse of **TOMMY RYAN GOUGE**, was killed by Native American male, **TOMMY RYAN GOUGE** (hereinafter "**GOUGE**"). On that date, **GOUGE** assaulted Stephanie Michelle Gouge (Stephanie Gouge) at their residence in Okfuskee County which assault resulted in Stephanie Gouge's death. **GOUGE** immediately called the Okfuskee County Sheriff to report the assault and waited at the home with their three children, ages 12, 8, and 1 year 11 months, until the Sheriff arrived. **GOUGE** is a member of the Muscogee (Creek) Nation, a federally recognized Indian tribe. **GOUGE** is an Indian person as defined by federal law. Due to the nature of the crime, the location of the crime in Indian Country, and the status of the subject as an Indian person, FBI has investigative jurisdiction over the alleged offense.

6. Based on the arrest of **GOUGE**, the children were placed in Oklahoma Department of Human Services (DHS) care. As part of DHS care, the children received counseling services and were subject to forensic interviews. During the interviews, the 12 and 8-year-old children stated they have seen **GOUGE** kill and dismember bodies at a previous home in which the children

lived with **GOUGE** located at 382103 E 1120 Road, Weleetka, Oklahoma. The children resided at this home with Stephanie Gouge and **GOUGE** for approximately five years preceding January 2020, at which time the family relocated to the residence where Stephanie Gouge was murdered by **GOUGE**. The children said the killing and dismembering of the bodies was possibly related to **GOUGE**'s affiliation with the "Indian Brotherhood" gang.

7. According to the children, while residing at 382103 E 1120 Road, Weleetka, Oklahoma, **GOUGE** instructed them not to go beyond a tree line behind their house. Nevertheless, the children frequently played in the area **GOUGE** instructed them not to enter. The children described smelling "funky odors" and stated they saw what appeared to be fresh gravesites. Furthermore, the children recounted at least two incidents where **GOUGE** killed someone inside the home located at 382103 E 1120 Road, Weleetka, Oklahoma. Specifically, during a forensic interview with the 12-year-old, she stated she saw **GOUGE** use a Taser to immobilize a man and then heard a gunshot. During this same forensic interview, the 12-year-old stated she was willing to go to the house located at 382103 E 1120 Road, Weleetka, Oklahoma and show law enforcement around the property and point out the area where graves were located.

8. On September 1, 2020, the FBI contacted Dusty Holt, property owner of 382103 E 1120 Road, Weleetka, Oklahoma, and Morris Harjo, property owner of the land located at 382117 E 1120 Road, Weleetka Oklahoma and received consent to search the properties. Both of these properties are located within the territorial boundaries of the Muscogee (Creek) Nation reservation, and are located within the Eastern District of Oklahoma.

9. On September 4, 2020, FBI Agents met with representatives from DHS who brought the 12-year-old to 382103 E 1120 Road, Weleetka, Oklahoma. The 12-year-old walked all parties around a lot behind the residence and onto a separate property located at 382117 E 1120

Road, Weleetka, Oklahoma, and pointed out the area of the property where she had seen gravesites. The 12 year-old identified an area on the property associated with the 382117 E 1120 Road, Weleetka, Oklahoma, address.

10. On September 12, 2020, FBI Agents were present while two FBI-trained cadaver K-9's and K-9 handlers, which are specifically and extensively trained to locate human remains, were taken into the area documented by the 12-year-old. By way of background, the FBI trains K-9's explicitly for the purpose of locating and identifying human remains. These K-9's were brought in from out of state to conduct this mission. Both K-9's identified an identical area on the property where human remains may be present. Furthermore, the location the K-9's identified is identical to where the 12-year-old recounted having seen gravesites. The location identified by the 12-year-old and upon which the cadaver K-9's indicated the presence of human remains is the location to be searched as described in **Attachment A**. The center grid coordinate using decimal degrees for this location is 35.390675, -96.202172. The area to be searched would be a circular area with a 200 foot radius from the center grid location.

SUMMARY/CONCLUSION

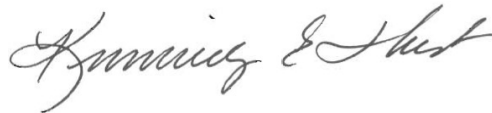
11. Based on the information provided by the 12-year-old witness, the 8-year-old witness, and further corroborated by the cadaver K-9's, the FBI believes gravesites may exist on the property located at 382117 E 1120 Road, Weleetka, Oklahoma. I make this affidavit in support of an application for a warrant to search the property described in **Attachment A** and to seize the items described in **Attachment B**. I submit there is probable cause to believe the property may contain human remains, which are evidence of violations of Title 18, United States Code, Sections 1111(a), 1152, and 1153, Murder in Indian Country.

Respectfully submitted,



Timothy P. Bennett
Special Agent
Federal Bureau of Investigation

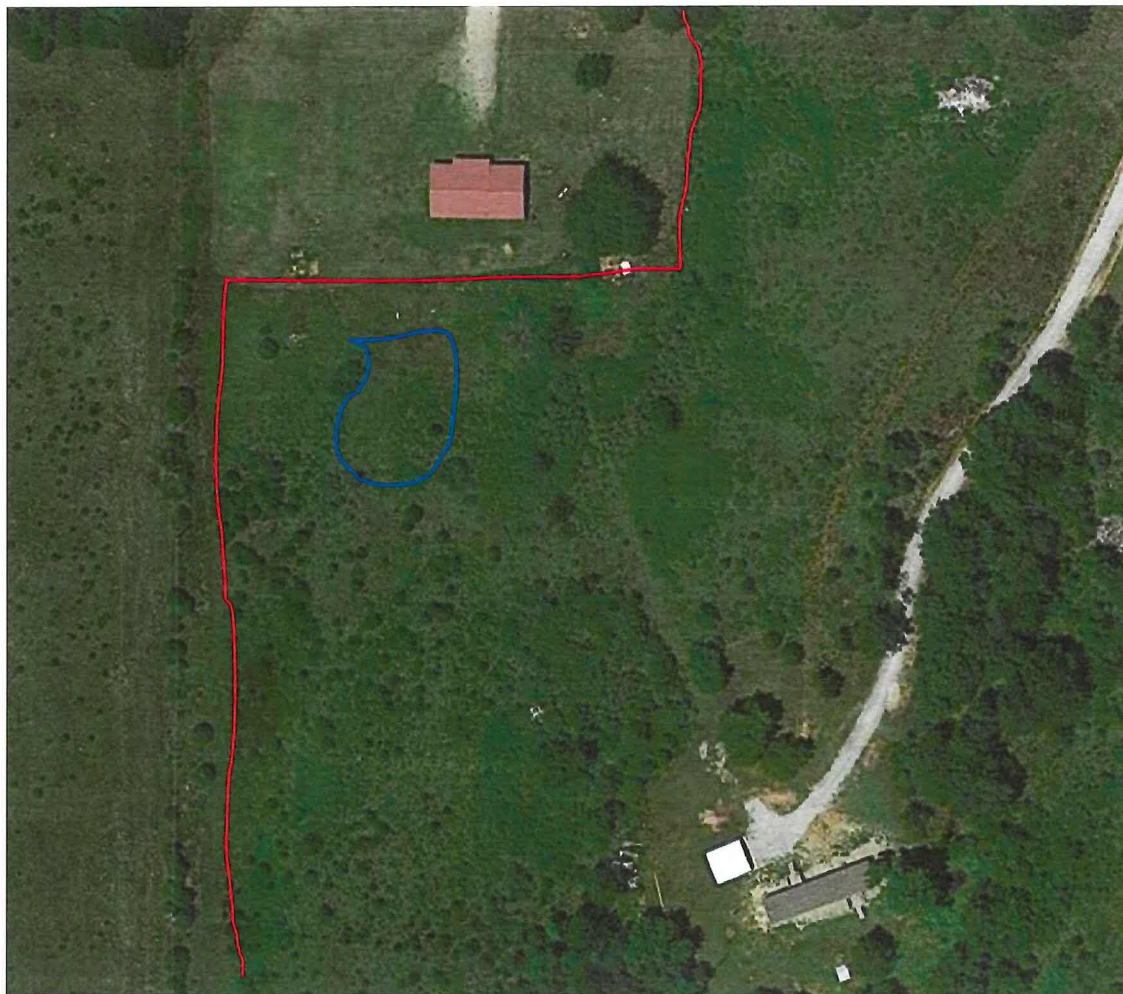
Sworn to me this 16th day of September, 2020



KIMBERLY E. WEST
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A
Property to Be Searched
DESCRIPTION OF PREMISES

The area to be searched is a naturally wooded area with significant plant life. The center grid coordinate for this area using decimal degrees is 35.390675, -96.202172. The area to be searched would be a circular area with a 200 foot radius from the center grid location.



The red line depicts the approximate property boundary. The blue circle depicts the approximate area of the actual search location. The center grid coordinate for the enclosed blue circle using

decimal degrees is 35.390675, -96.202172. The area to be searched would be a circular area with a 200 foot radius from the center grid location.



The adjacent properties are:

382103 E 1120 Road, Weleetka, Oklahoma is a single-story house located in a very rural area and is constructed of brick and siding. There are two windows at the front of the left side of the house. A garage with a white door is located on the right side of the house. There is a tree on the left side on the front yard of the house.

A photo of the residence is below:



There is a single-story house located on this property that is a trailer style home constructed of wood and siding. The home is painted white. There are four windows on the front, left side of the house. A front patio area with a white front door is located on the right side of the front of the house. The home is surrounded by trees to the rear of the house.

A photo of the residence is below:



There is no intent to search the interior of the residences on these properties.

ATTACHMENT B

LIST OF ITEMS TO BE SEIZED

1. Any and all human remains located within the search area.
2. Any and all personal belongings, including but not limited to clothing, jewelry, wallets, and any and all identifying information of any human remains present in the search area.